

Commissioners:

I am commenting on the Notice of Proposed Rulemaking (FCC 02-42).

I am writing to ask that the Commissioners rethink their proposed reclassification of broadband services over wireline facilities as an "information service." While I applaud the goal of speeding up broadband deployment, reclassification and its consequent removal of the requirement for unbundled network element access for third parties is going to reduce consumer choices and retard technological innovation.

Let me explain how this change would reduce consumer choice: under the current "telecommunications service" classification, I can pick Qwest or any of a number of third party ISPs to use with my Qwest DSL connection. When I first got my DSL connection, in fact, I did use Qwest as my ISP. However, Qwest sold me and its other Washington State subscribers to MSN. And unfortunately, MSN had a number of negatives: no POP or IMAP servers, poor service reputation, high price, limited operating systems supported. I moved to another ISP that met my needs. If my broadband connection had been classified as an "information service," I wouldn't have had that option.

But how can this proposed reclassification retard technological progress? Well, broadband and the Internet are media that don't do much by themselves; you need computers and other end-user information appliances to drive demand. It's a synergistic relationship. And as we all know, the pace of innovation in these data-consuming devices is breathtaking. None of us can know how these devices will evolve, or what we'll be able to do with them in the future.

So that's why I'm especially worried about being forced to use a particular ISP that can be vertically integrated with device operating systems and software applications. Technological innovation doesn't come from established players, it comes from upstarts. If the technological future is a meld of new end-user devices and broadband communications, and broadband's gatekeeper is also the established player in the end-user device space, then the upstarts with the innovative new end-user devices won't even get onto the playing field. I saw this firsthand when I found out that MSN -- the ISP Qwest sold me to -- doesn't support any operating system except a subset of Microsoft's own products. This is more than an issue of restricted consumer choice: it's a recipe for technological and economic stagnation.

That's why I urge the Commissioners to rethink its proposed reclassification, and in particular to retain unbundled network access requirements for wireline broadband access.

Thank you for your consideration.

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